THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12000 OF 2002

DATED:22.8.2005

Between:

Bethula Narayana, S/o.Late Balaiah

R/o.Imamabad Village, Siddepet Mandal

Medak District

…Petitioner

And

The Superintending Engineer,

Roads and Buildings Department,

Medak District, at Sangareddy and another

…Respondents

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WRIT PETITION NO.12000 OF 2002

ORDER:

The petitioner is owner of wetland admeasuring Acs.2.00 in S.No.65 of Imambad Village, Siddipet Mandal, Medak District. In this Writ Petition he alleges that the respondents entered into the land in April 2002, surveyed the same and gave peg marks with a view to widen the road. Apprehending high-handed action by the Government officials, present Writ Petition is filed seeking a declaration that the action of the respondents in encroaching upon the petitioner's land in S.No.65 is illegal and arbitrary.

In the counter affidavit filed by the Executive Engineer it is stated that after receiving interim orders passed in this case, the matter was referred to Mandal Revenue Officer who submitted report inter alia stating that the new widened road is at a distance of 2.6 meters from the land in S.No.65. It is further stated as under.

> After the boundaries have been fixed by the Mandal Surveyor, the Assistant Executive Engineer (R&B) Siddipet-I has measured the distance of boundary of land in Sy.No.65 from the existing B.T.road. The shortest distance noted at location 31/045 is 2.60 mtrs and highest is 10.30 mtrs from the edge of the B.T.road. The widening of the road carriageway is taken upto 1.67 mtrs width only to the side of existing road whereas the land boundary is away at 2.60 mtrs. There is no encroachment of land in Sy.No.65 as stated by the petitioner by the R&B Department.

The petitioner has not chosen to file any reply affidavit. In view of the counter averments, it becomes clear that respondents have not encroached upon the land in S.No.65. It is made clear that even if the land of the petitioner is to be acquired for widening of road or for any other public purpose, the same shall be done only after due process of law.

The Writ Petition with the above observations is disposed of.

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(V.V.S.RAO, J)

22.8.2005

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